

FILED
Clerk
District Court

JUL 27 2007

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

JOHN S. PANGELINAN

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Case No. CV-07-0025

**ORDER DENYING
MOTION UNDER 28 U.S.C. § 2255**

THIS MATTER came before the court on June 28, 2007, on petitioner's motion to vacate his sentence for two counts of obstruction of a court order. *See* United States v. Pangelinan, No. CR-06-00012 (D. N. Mar. I. Jan. 5, 2007).

THE COURT, having considered the petitioner's arguments and having reviewed the record, finds that the court lacks subject matter jurisdiction to entertain the petitioner's motion. On January 8, 2007, the petitioner filed a Notice of Appeal, No. 67 (Jan. 8, 2007), stating that he is appealing to the United States Court of Appeals for the Ninth Circuit from the final judgment of conviction that the court entered on January 5, 2007. Accordingly, because this court lacks subject matter

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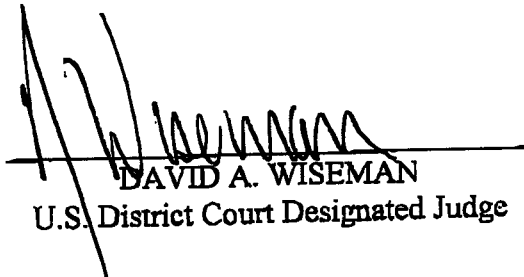
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1 jurisdiction to entertain petitioner's motion while an appeal is pending, *Feldman v.*
2 *Henman*, 815 F.2d 1318, 1320 (9th Cir. 1987), the court **DENIES WITHOUT**
3 **PREJUDICE** the petitioner's motion. See Order, United States v. Pangelinan, No.
4 07-15355 (9th Cir. June 12, 2007).
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6 **IT IS SO ORDERED.**

7 **DATED** this 27 day of July, 2007.
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11 DAVID A. WISEMAN
12 U.S. District Court Designated Judge
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